

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re:

Bankruptcy Case No. 02-65235

NATIONAL CENTURY FINANCIAL
ENTERPRISES, INC., et al.

Adversary Number 04-2617

Chapter 11

Judge Donald E. Calhoun, Jr.

Unencumbered Asset Trust, et al.
Plaintiff(s)

District Court Judge

District Court Case #

-vs-

Business

PERSEUS, LLC, et al.
Defendant(s)

TRANSMITTAL COVER SHEET

TO: CLERK OF THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF OHIO.

The following item checked is being transmitted to you for determination by the
Honorable Judges of the United States District Court.

☐ Notice of Appeal

☐ Motion for Leave to Appeal

☒ Motion for Withdrawal of Reference

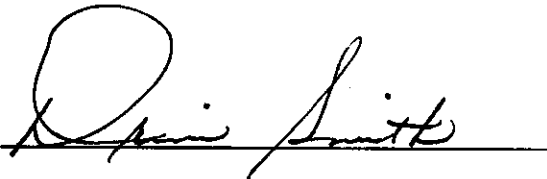
☐ Report and Recommendation on Motion to Abstain

☐ Findings of Fact and Conclusions of Law

☐ Other:

Dated: November 8, 2005

Transmitted By:



UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
COLUMBUS, OHIO

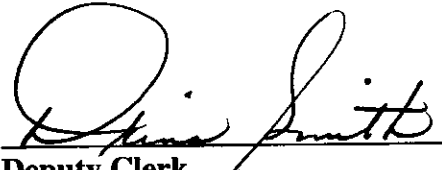
In Re: : Bankruptcy Case No. 02-65235
(Jointly Administered)
National Century Financial Enterprises :
Inc., et al., :
Adversary Number 04-2617
Debtor. :

Unencumbered Asset Trust, et al. : Judge Donald E. Calhoun, Jr.
Plaintiff(s) : District Case Number
-vs- : Chapter 11
PERSEUS, LLC, et al. : Business
Defendant(s). :

CLERK'S CERTIFICATION OF RECORD ON
MOTION TO WITHDRAW REFERENCE

I, Drina Smith, Deputy Clerk in the above-named court, do hereby certify that the documents attached hereto and enumerated below comprise the Record on Appeal in the above captioned case.

	<u>Date</u>	<u>Description</u>	<u>Pleading Number</u>
1.		Motion to Withdraw Reference	86
2.		Copy of Current Docket Card	


Deputy Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

In re:

**NATIONAL CENTURY FINANCIAL
ENTERPRISES, INC., et al.,**

Debtors.

**Jointly Administered
Case No. 02-65235**

(Chapter 11)

Judge Donald E. Calhoun, Jr.

**UNENCUMBERED ASSET TRUST, et
al.,**

Plaintiffs,

V.

PERSEUS, LLC, et al.

Defendants.

Relief Requested from a U.S. District Judge

Adv. Proc. No. 04-2617

**MOTION OF DEFENDANTS PERSEUS, LLC, PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP, AND BAIN & COMPANY TO WITHDRAW THE REFERENCE**

Defendants Perseus, LLC (“Perseus”), Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul Weiss”), and Bain & Company (“Bain,” together with Perseus and Paul Weiss, the “Movants”) move the United States District Court for the Southern District of Ohio (the “District Court”) pursuant to 28 U.S.C. § 157(d) and Federal Rule of Bankruptcy Procedure 5011 to withdraw the reference of the above-captioned adversary proceeding (“Adversary Proceeding”) for cause. As set forth more fully in the accompanying Memorandum of Law, three of the four Defendants, including each of the Movants, have demanded a jury trial, and they have the right to a jury trial. Under Sixth Circuit law, the Bankruptcy Court cannot conduct a jury trial. Even if that were not the case, under 28 U.S.C. § 157(e), a bankruptcy judge cannot conduct a jury trial unless all

parties consent. Here, none of the Defendants has consented. Accordingly, cause exists under 28 U.S.C. § 157(d) for withdrawal of the reference and the Motion should be granted.

DATED: November 7, 2005

Respectfully submitted,

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MEMORANDUM OF LAW

I. BACKGROUND

Debtor National Century Financial Enterprises, Inc. ("NCFE") and certain of its affiliates commenced Chapter 11 bankruptcy cases by filing petitions on November 18, 2002 (the "Petition Date"). On or about November 17, 2004, Plaintiffs filed the Complaint in the Adversary Proceeding alleging, among other things, that certain transfers made to the Defendants in the amount of \$449,711.54 (the "Transfer") are avoidable and recoverable as preferences or fraudulent transfers under Sections 544, 547, 548 and 550 of title 11 of the United States Code (the "Bankruptcy Code") or under the theory of unjust enrichment. Perseus filed its Answer and Affirmative Defenses on August 12, 2005 (the "Answer"). On the same date, Bain, PricewaterhouseCoopers, LLP and Paul Weiss filed their Non-Creditor Defendants' Motion to Dismiss the Complaint (the "Motion to Dismiss"). No decision has yet been entered on the Motion to Dismiss.

Three of the four Defendants – Perseus, Bain, and Paul Weiss – have filed a jury demand. None of the Defendants have consented to a jury trial in the Bankruptcy Court.¹ A scheduling conference is set for November 9, 2005.

II. THE ADVERSARY PROCEEDING

Plaintiffs filed the Complaint seeking a money judgment in their favor in the amount of \$449,711.54, plus interest and costs. The Complaint contains four counts:

(1) Plaintiffs allege that the Transfer is avoidable as a preference under Section 547 of the Bankruptcy Code;

¹ In fact, in their Preliminary Pretrial Statements, each of the Defendants declined to consent to a jury trial in the Bankruptcy Court.

(2) Plaintiffs also allege that the Transfer constitutes a fraudulent transfer pursuant to Sections 544 and 548 of the Bankruptcy Code and the Ohio Uniform Fraudulent Transfer Act (Ohio Rev. Code Ann. §§ 1336.01-1336.11);

(3) To the extent that the Transfer is avoidable as a preference or a fraudulent transfer under Count One or Count Two, Plaintiffs assert a separate count for recovery of the Transfer pursuant to Section 550 of the Bankruptcy Code; and

(4) Plaintiffs allege that the Defendants are liable for the amount of the Transfer under the theory of unjust enrichment, and seek entry of a money judgment.

III. BASIS FOR WITHDRAWAL OF THE REFERENCE

Pursuant to 28 U.S.C. § 157(a), this Court, like other district courts throughout the United States, has referred cases under Title 11 and proceedings arising under Title 11 or arising in or related to a case under Title 11 to the Bankruptcy Court. See In re Bankruptcy Jurisdiction and Procedure Under the Bankruptcy Amendments of 1984, General Order No. 05-02 (S.D. Ohio Oct. 24, 2005). However, 28 U.S.C. § 157(d) provides that “[t]he district court may withdraw, in whole or in part, any case or proceeding referred under this section, on its own motion or on timely motion of any party, for cause shown.”

Cause exists to withdraw the reference of this Adversary Proceeding because the Movants have demanded a jury trial. The jury trial cannot take place in the Bankruptcy Court because of applicable case law in this circuit and because – even aside from that law – a bankruptcy court cannot conduct a jury trial without the consent of all parties, and here the Defendants have not consented. Thus, the trial must be conducted by the District Court. Accordingly, cause exists to withdraw the case to the District Court now, to avoid the need for involving two courts in the case, with the resulting inefficiency and duplication of effort.

A. All Counts of the Complaint are Triable by a Jury.

The Complaint contains counts alleging preferential transfer, fraudulent transfer, recovery of property, and unjust enrichment. Each Count is triable to a jury. The Seventh Amendment to the Constitution provides that “[i]n Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”

The Seventh Amendment’s reference to “[s]uits at common law” has been interpreted to mean “suits in which legal rights were to be ascertained and determined, in contradistinction to those where equitable rights alone were recognized, and equitable remedies were administered.” Parsons v. Bedford, 28 U.S. (3 Pet.) 433 (1830). The Seventh Amendment right to a jury trial applies where a demand is made for money damages. See Granfinanciera, S.A. v. Nordberg, 492 U.S. 33, 47-48 (1989); Pernell v. Southall Realty, 416 U.S. 363, 370 (1974) (“Where an action is simply for recovery . . . of a money judgment, the action is one at law.”); see also Reliability Research Inc. v. Computer Assocs. Int’l, Inc., 851 F.Supp. 58, 60 (E.D.N.Y. 1993) (action for money damages a classic action at law). All of the counts alleged in the Complaint seek money damages, and the Movants are therefore entitled to a jury trial.

With respect to Count One and Count Two, the Supreme Court has held that preference actions and fraudulent transfer claims are actions at law (rather than equity) for which the defendant is entitled to a jury trial under the Seventh Amendment. See Granfinanciera, 492 U.S. at 48; Langenkamp v. Culp, 498 U.S. 42, 45 (1991); see also Roberds, Inc. v. Palliser Furniture, 291 B.R. 102, 105 (S.D. Ohio 2003); In re AVN Corp., 235 B.R. 417, 421-22 (Bankr. W.D. Tenn. 1999); Coated Sales, Inc. v. First E. Bank, N.A. (In re Coated Sales, Inc.), 119 B.R. 452, 457 n.6 (Bankr.

S.D.N.Y. 1990); Eisenberg v. Guardian Group, Inc. (In re Adams, Browning & Bates Ltd.), 70 B.R. 490, 494 (Bankr. E.D.N.Y. 1987).

Count Three, for recovery of property under Section 550 of the Bankruptcy Code, is ancillary to Plaintiffs' actions at law for avoidance of a preference or fraudulent transfer, and also seeks recovery of a money judgment. See Complaint at ¶ 36. Count Three is therefore subject to a trial by jury.

Count Four, unjust enrichment, could be characterized as either an equitable or legal cause of action depending on the nature of the relief sought. Here, the nature of the relief sought is a money judgment. Accordingly, Count Four is a legal claim to which the right to a jury trial applies. Jury trials have been conducted in many cases where unjust enrichment is alleged. See e.g., Shapiro v. Kaufman, 855 F.2d 620, 620 (8th Cir. 1988); Clapp v. Mueller Elec. Co., 835 N.E.2d 757, 765 (Ohio Ct. App. 2005); RDR Computer Consulting Corp. v. Eurodirect, Inc., 2004 WL 1359049 at *1 (Fla. App. 2 Dist. June 18, 2004); Citizens Nat'l Bank & Lender Asset Recovery, Inc. v. Allen Rae Invs., Inc., 2004 WL 454083, at *21 (Tex. App. Ma. 11, 2004); First Nat'l of N. Am., LLC v. Marks, 2004 WL 1114574, at *2, *7 n.7 (Tenn. Ct. App. Jan. 9, 2004).²

B. A Jury Trial Must be Held in the District Court.

Because the Movants demanded a jury trial and are entitled to a jury trial on all Counts of the Complaint, the jury trial must be held in the District Court under the Sixth Circuit's decision in Rafoth v. Nat'l Union Fire Ins. Co. (In re Baker & Getty Fin. Servs., Inc.), 954 F.2d 1169, 1173 (6th

² Even if Count Four were deemed to be an equitable claim, the Movants are nevertheless entitled to a jury trial on all issues common to Count Four and the remaining Counts. See In re Krigel's, Inc., 263 B.R. 280, 290 Bankr. W.D. Mo. 2001) (When legal and equitable claims are joined in the same action, there is right to jury trial on the legal claims, including all issues common to both legal and equitable claims); In re RDM Sports Group, 260 B.R. 915, 919-20 (Bankr. N.D. Ga. 2001) (same). Because Count Four deals with the same facts as the other counts, it is triable to a jury.

Cir. 1992). In Baker & Getty, the Sixth Circuit elected to follow the Eighth and Tenth Circuits in holding that bankruptcy courts may not conduct jury trials. Id.

Even if Baker & Getty were not dispositive, the Bankruptcy Court could not conduct a jury trial with respect to the Adversary Proceeding because the Movants have not consented to a jury trial in the Bankruptcy Court. Such consent is required by 28 U.S.C. § 157(e), which provides that “If the right to a jury trial applies in a proceeding that may be heard under this section by a bankruptcy judge, the bankruptcy judge may conduct the jury trial if specifically designated to exercise such jurisdiction and with the express consent of all the parties.” (Emphasis added). Here, apart from controlling precedent, the Bankruptcy Court could not conduct a jury trial of the Adversary Proceeding because all parties have not consented to a jury trial in the Bankruptcy Court. Where—as here—all parties do not consent to a jury trial before the bankruptcy court, withdrawal of the reference is required under 28 U.S.C. § 157(d). See M C Contractors v. Fink (In re Fink), 294 B.R. 657, 658 59 (Bankr. W.D.N.C. 2003) (“[R]efusal of all the parties to consent to a jury trial in bankruptcy court may constitute ‘cause’ for withdrawal.”); In re Metro. Plant & Flower, Inc., 1997 WL 638454, at * 4 (N.D. Ill. Sept. 30, 1997) (“Because the bankruptcy court cannot conduct a jury trial [where all parties did not consent under 28 U.S.C. § 157(e)], ‘cause’ to withdraw the reference automatically exists . . . where the party seeking the withdrawal is entitled to a jury trial under the Seventh Amendment.”).³

C. Because the Bankruptcy Court Cannot Conduct a Jury Trial, Prompt Withdrawal of the Reference is Appropriate.

Because the jury trial right exists, the reference for this Adversary Proceeding will have to be withdrawn for trial. That leaves two possibilities – withdraw the case to the District Court now

³ In addition to the fact that the Defendants declined to consent to a jury trial in the Bankruptcy Court, 28 U.S.C. § 157(e) is not satisfied because, to the best of the Movants’ knowledge, the District Court has not specially designated the Bankruptcy Court to conduct a jury trial.

or leave the case in the Bankruptcy Court for pre-trial proceedings and then transfer the case to the District Court for trial. Under the circumstances of this case, the former approach would be more efficient.

The Adversary Proceeding is still in the very early stages of litigation; so, the Bankruptcy Court has spent little or no time dealing with the Adversary Proceeding. There have been no court hearings. The parties filed preliminary pretrial statements on September 22, 2005 and the Bankruptcy Court set an initial scheduling conference for November 9, 2005. Discovery has not commenced, and the one motion that has been filed – the Motion to Dismiss – has not been heard or decided.

Given the very early stage of this litigation, judicial economy suggests the case should be withdrawn now, before the Bankruptcy Court invests significant time and effort in a case that would have to be transferred for trial in any event. Many courts have held that such efficiency concerns counsel in favor of withdrawing the reference. See Mishkin v. Ageloff, 220 B.R. 784, 800 (S.D.N.Y. 1998) (withdrawing reference to bankruptcy court based primarily on concerns of judicial efficiency); In re Tastee Donuts, Inc., 137 B.R. 204, 207 (E.D. La. 1992) (“Even if this adversary proceeding involves core matters . . . the Court finds that the interests of judicial efficiency require that the reference be withdrawn for the entire adversary proceeding.”); Chrysler Credit Corp. v. Fifth Third Bank of Columbus (In re Onyx Motor Car Corp.), 116 B.R. 89, 91 (S.D. Ohio 1990) (judicial economy, reducing confusion and economical use of the debtor’s and creditor’s resources are appropriate factors contributing to a determination of cause to withdraw the reference); Wedtech Corp. v. London (In re Wedtech Corp.), 81 B.R. 237, 239 (S.D.N.Y. 1987) (interests in judicial efficiency justified withdrawal of reference of core proceeding).

Courts have held that where a jury trial right applies, so that the case would have to be tried in the district court, the proceeding should be withdrawn to the district court early on, rather than be

bifurcated for the pretrial and trial stages. See Taxel v. Elec. Sports Research (In re Cinematronics, Inc.), 916 F.2d 1444, 1451 (9th Cir. 1990) (“[W]here a jury trial is required and the parties refuse to consent to bankruptcy jurisdiction, withdrawal of the case to the district court is appropriate.”); NDEP Corp. v. Handl-It, Inc. (In re NDEP Corp.), 203 B.R. 905, 913 (D. Del. 1996) (judicial economy favors withdrawal of the reference where a jury demand has been made); Oakview Terrace v. Owens Fin. Group, Inc. (In re Oakview Terrace), 1994 WL 28031, at *2 (N.D. Cal. 1994) (“To have this matter in bankruptcy court for pretrial purposes would result in unnecessary duplication and a waste of judicial resources [where district court would ultimately be required to conduct jury trial].”); Gumport v. Growth Fin. Corp. (In re Transcon Lines), 121 B.R. 837, 838 (C.D. Cal. 1990) (“Due to the fact that a District Court Judge must eventually preside over the jury trial in this matter, it would constitute a tremendous waste of judicial resources to permit the bankruptcy judge to continue to maintain jurisdiction over the issues presented in this litigation.”).⁴

IV. CONCLUSION

The Movants have demanded that the Adversary Proceeding be tried by a jury, and all four Counts of the Complaint are subject to that jury demand. Therefore, the Bankruptcy Court cannot conduct the jury trial. In light of these factors, and the fact that the Adversary Proceeding is still in the very preliminary stages of litigation, cause exists to withdraw the reference and to do so now.

Accordingly, the Movants respectfully request that the Court grant the Motion and withdraw the reference to the Bankruptcy Court.

⁴ In some cases, where the Bankruptcy Court has already invested significant time and effort learning the facts of an adversary proceeding, the case may be left before the Bankruptcy Court for remaining pretrial proceedings, with the reference withdrawn only for trial. See, e.g., In re Ames Dep’t Stores, Inc., 190 B.R. 157, 164 (S.D.N.Y. 1995). Here, however, the Movants are requesting withdrawal of the reference at the early stages of the Adversary Proceeding, before the Bankruptcy Court has invested significant time in it.

DATED: November 7, 2005

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the preceding Motion was electronically filed through the Court's ECF system and served this 7th day of November, 2005, by first class U.S.

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**U.S. Bankruptcy Court
Southern District of Ohio (Columbus)
Adversary Proceeding #: 2:04-ap-02617
Internal Use Only**

Assigned to: Donald E. Calhoun Jr.

Related BK Case: 02-65235

Related BK Title: National Century Financial Enterprises *Date Filed:* 11/17/04

Demand: \$450000

Nature of Suit: 454

Plaintiff

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TERMINATED: 06/09/2005

Filing Date	#	Docket Text
11/17/2004	1	454 (Recover Money/Property): Complaint by Unencumbered Assets Trust against Perseus, LLC, Bain & Company, Inc., PricewaterhouseCoopers LLP, Paul Weiss Rifkind Wharton & Garrison LLP. Fee Amount \$150 (Friedberg, Leon) (Entered: 11/17/2004)
11/17/2004	2	Submission of Summons for Court Issuance Re: Defendant(s) Perseus, LLC. (Friedberg, Leon) (Entered: 11/17/2004)
11/17/2004	3	Submission of Summons for Court Issuance Re: Defendant(s) Perseus, LLC (Statutory Agent). (Friedberg, Leon) (Entered: 11/17/2004)
11/17/2004	4	Submission of Summons for Court Issuance Re: Defendant(s) Bain & Company, Inc.. (Friedberg, Leon) (Entered: 11/17/2004)
11/17/2004	5	Submission of Summons for Court Issuance Re: Defendant(s) Bain & Company, Inc. (Statutory Agent). (Friedberg, Leon) (Entered: 11/17/2004)
11/17/2004	6	Submission of Summons for Court Issuance Re: Defendant(s) Pricewaterhousecoopers, LLP. (Friedberg, Leon) (Entered: 11/17/2004)

11/17/2004	<u>7</u>	Submission of Summons for Court Issuance Re: Defendant(s) Pricewaterhousecoopers, LLP (Statutory Agent). (Friedberg, Leon) (Entered: 11/17/2004)
11/17/2004	<u>8</u>	Submission of Summons for Court Issuance Re: Defendant(s) Paul Weiss Rifkind Wharton & Garrison LLP. (Friedberg, Leon) (Entered: 11/17/2004)
11/17/2004	<u>9</u>	Submission of Summons for Court Issuance Re: Defendant(s) Paul Weiss Rifkind Wharton & Garrison LLP (Statutory Agent). (Friedberg, Leon) (Entered: 11/17/2004)
11/17/2004		Receipt of Complaint(2:04-ap-02617) [cmp,cmp] (150.00) Filing Fee. Receipt Number 2849407,amount\$ 150.00. (U.S. Treasury) (Entered: 11/17/2004)
11/18/2004		To: LEON FRIEDBERG - Memorandum of Apparent Filing/Docketing Deficiency: No address entered or listed on complaint for Defendants Perseus LLC, Bain & Company Inc. PricewaterhouseCoopers LLP, & Paul Weiss Rifkind Wharton & Garrison LLP. Please file an Amended Complaint. PLEASE DO NOT REPLY TO THIS EMAIL. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK'S OFFICE (related document(s)1) (2lg,) (Entered: 11/18/2004)
11/18/2004	<u>10</u>	Summons Issued on Perseus, LLC Date Issued 11/18/2004, Answer Due 12/20/2004 (2lg,) (Entered: 11/18/2004)
11/18/2004	<u>11</u>	Summons Issued on Perseus, LLC Date Issued 11/18/2004, Answer Due 12/20/2004 (2lg,) (Entered: 11/18/2004)
11/18/2004	<u>12</u>	Summons Issued on Bain & Company, Inc. Date Issued 11/18/2004, Answer Due 12/20/2004 (2lg,) (Entered: 11/18/2004)
11/18/2004	<u>13</u>	Summons Issued on Bain & Company, Inc. Date Issued 11/18/2004, Answer Due 12/20/2004 (2lg,) (Entered: 11/18/2004)
11/18/2004	<u>14</u>	Summons Issued on PricewaterhouseCoopers LLP Date Issued 11/18/2004, Answer Due 12/20/2004 (2lg,) (Entered: 11/18/2004)
11/18/2004	<u>15</u>	Summons Issued on PricewaterhouseCoopers LLP Date Issued 11/18/2004, Answer Due 12/20/2004 (2lg,) (Entered: 11/18/2004)
11/18/2004	<u>16</u>	Summons Issued on Paul Weiss Rifkind Wharton & Garrison LLP Date Issued 11/18/2004, Answer Due 12/20/2004 (2lg,) (Entered: 11/18/2004)

		11/18/2004)
11/18/2004	● <u>17</u>	Summons Issued on Paul Weiss Rifkind Wharton & Garrison LLP Date Issued 11/18/2004, Answer Due 12/20/2004 (2lg,) (Entered: 11/18/2004)
11/19/2004	● <u>18</u>	Notice of Addresses of Defendants Perseus, LLC, Bain & Company, Inc., Pricewaterhousecoopers, LLP, and Paul Weiss Rifkind Wharton & Garrison, LLP Pursuant to Memorandum of Apparent Filing/Docketing Deficiency Filed by Plaintiff Unencumbered Assets Trust (RE: related document(s) To: LEON FRIEDBERG - Memorandum of Apparent Filing/Docketing Deficiency: No address entered or listed on complaint for Defendants Perseus LLC, Bain & Company Inc. PricewaterhouseCoopers LLP, & Paul Weiss Rifkind Wharton & Garrison LLP. Please file an Amended Complaint. PLEASE DO NOT REPLY TO THIS EMAIL. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK'S OFFICE (related document(s) <u>1</u>) (2lg,)). (Friedberg, Leon) (Entered: 11/19/2004)
12/08/2004	● <u>19</u>	Stipulation with Plaintiffs as to Extending Time for Defendant PricewaterhouseCoopers LLP to Answer, Move, or Otherwise Respond to Complaint Filed by Defendant PricewaterhouseCoopers LLP, Plaintiff Unencumbered Assets Trust. (Miller, Tiffany) (Entered: 12/08/2004)
12/08/2004	● <u>20</u>	Certificate of Service of Stipulation Filed by Defendant PricewaterhouseCoopers LLP (RE: related document(s) <u>19</u> Stipulation). (Miller, Tiffany) (Entered: 12/08/2004)
12/09/2004	●	To: T. Miller - Memorandum of Apparent Filing/Docketing Deficiency: The PDF Document does not Contain an Electronic Signature in Accordance with ECF Administrative Procedure 8(d). Please file an Amended Stipulation Which Contains An Electronic Signature. PLEASE DO NOT REPLY TO THIS EMAIL. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK'S OFFICE (RE: related document(s) <u>19</u> Stipulation filed by Defendant PricewaterhouseCoopers LLP, Plaintiff Unencumbered Assets Trust) (2kab,) (Entered: 12/09/2004)
12/09/2004	●	To: T. Miller - Memorandum of Apparent Filing/Docketing Deficiency: All documents filed with the court require a heading including the case name, case number and judge assigned to case. PLEASE DO NOT REPLY TO THIS EMAIL. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK'S OFFICE (related document(s) <u>20</u>) (2kab,) (Entered: 12/09/2004)

12/09/2004	● <u>21</u>	Stipulation with Plaintiffs as to Extending Time for Defendant PricewaterhouseCoopers LLP to Answer, Move, or Otherwise Respond to Complaint (Supplemental Stipulation) Filed by Defendant PricewaterhouseCoopers LLP. (Miller, Tiffany) (Entered: 12/09/2004)
12/14/2004	● <u>22</u>	Stipulation with Bain & Company, Inc. as to Extension of Time for Bain & Company, Inc. to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 12/14/2004)
12/14/2004	● <u>23</u>	Stipulation with Plaintiffs and Defendant Paul, Weiss, Rifkind, Wharton & Garrison LLP as to Extending Time For Defendant Paul, Weiss, Rifkind, Wharton & Garrison LLP To Answer, Move Or Otherwise Respond To Complaint to January 19, 2005 Filed by Plaintiff Unencumbered Assets Trust. (Friedberg, Leon) (Entered: 12/14/2004)
12/16/2004	● <u>24</u>	Summons Service Executed on Bain & Company, Inc. 11/19/2004 (Champ, Stephanie) (Entered: 12/16/2004)
12/16/2004	● <u>25</u>	Summons Service Executed on Bain & Company, Inc. 11/19/2004 (Champ, Stephanie) (Entered: 12/16/2004)
12/16/2004	● <u>26</u>	Summons Service Executed on Paul Weiss Rifkind Wharton & Garrison LLP 11/19/2004 (Champ, Stephanie) (Entered: 12/16/2004)
12/16/2004	● <u>27</u>	Summons Service Executed on Perseus, LLC 11/19/2004 (Champ, Stephanie) (Entered: 12/16/2004)
12/16/2004	● <u>28</u>	Summons Service Executed on Perseus, LLC 11/19/2004 (Champ, Stephanie) (Entered: 12/16/2004)
12/16/2004	● <u>29</u>	Summons Service Executed on PricewaterhouseCoopers LLP 11/19/2004 (Champ, Stephanie) (Entered: 12/16/2004)
12/20/2004	● <u>30</u>	Summons Service Executed on Paul Weiss Rifkind Wharton & Garrison LLP 11/19/2004 (Champ, Stephanie) (Entered: 12/20/2004)
01/05/2005	● <u>31</u>	Notice of Appearance and Request for Service of Papers Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 01/05/2005)
01/05/2005	● <u>32</u>	Stipulation with Perseus, LLC and Unencumbered Assets Trust, Erwin I. Katz, Ltd., Trustee as to Extension of Time for Defendant Perseus, LLC to Move, Plead, or Otherwise Respond to Complaint for

		Avoidance and Recovery of Transfers Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 01/05/2005)
01/06/2005	●	To: TIFFANY STRELOW COBB - Memorandum of Apparent Filing/Docketing Deficiency: For Future Reference, A Notice of Appearance and Request for Service Should Be Filed Using The Notice of Appearance and Request for Service Event From the Notice Menu. PLEASE DO NOT REPLY TO THIS EMAIL. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK'S OFFICE (related document(s) <u>31</u>) (2lg,) (Entered: 01/06/2005)
01/10/2005	● <u>33</u>	<i>Notice of Stipulation for Extension of Time for Defendant Perseus, LLC to Move, Plead, or Otherwise Respond to Complaint for Avoidance and Recovery of Transfers Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 01/10/2005)</i>
01/11/2005	●	To: T. Cobb - Memorandum of Apparent Filing/Docketing Deficiency: The PDF Document does not Match Docket Text. Please File a Stipulation or Withdrawal of the Document. PLEASE DO NOT REPLY TO THIS EMAIL. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK'S OFFICE (related document(s) <u>33</u>) (2kab,) (Entered: 01/11/2005)
01/11/2005	● <u>34</u>	Stipulation with Unencumbered Assets Trust, Erwin I. Katz, Ltd. and Perseus, LLC as to an Extension of Time for Defendant, Perseus, LLC to Move, Plead, or Otherwise Respond to Complaint for Avoidance and Recovery of Transfers Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 01/11/2005)
01/11/2005	● <u>35</u>	Stipulation with Bain & Company, Inc. as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 01/11/2005)
01/11/2005	● <u>36</u>	Stipulation with Plaintiffs as to Extending Time for Defendant PricewaterhouseCoopers LLP to Answer, Move, or Otherwise Respond to Complaint Filed by Defendant PricewaterhouseCoopers LLP. (Miller, Tiffany) (Entered: 01/11/2005)
01/12/2005		Bain & Company, Inc. Answer Deadline Reset for 2/18/2005; Perseus, LLC Answer Deadline Reset for 2/18/2005; PricewaterhouseCoopers LLP Answer Deadline Reset for 2/18/2005 (2lg,) (Entered: 01/12/2005)
01/13/2005	● <u>37</u>	Stipulation with Unencumbered Asset Trust, Erwin I. Katz, Ltd. and Paul, Weiss, Rifkind, Wharton & Garrison LLP as to Extension of Time for Defendant Paul, Weiss, Rifkind, Wharton & Garrison LLP

		to Answer, Move or Otherwise Respond to Complaint for Avoidance and Recovery of Transfers Filed by Defendant Paul Weiss Rifkind Wharton & Garrison LLP. (Cobb, Tiffany) (Entered: 01/13/2005)
01/13/2005	● <u>38</u>	Notice of Appearance and Request for Service of Papers Filed by Defendant Paul Weiss Rifkind Wharton & Garrison LLP. (Cobb, Tiffany) (Entered: 01/13/2005)
01/14/2005		Paul Weiss Rifkind Wharton & Garrison LLP Answer Deadline Reset for 2/18/2005 (2lg,) (Entered: 01/14/2005)
02/15/2005	● <u>39</u>	Stipulation with Bain & Company, Inc. as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 02/15/2005)
02/15/2005	● <u>40</u>	Stipulation with Paul Weiss Rifkind Wharton & Garrison as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 02/15/2005)
02/15/2005	● <u>41</u>	Stipulation with Plaintiffs as to Extending Time for Defendant PricewaterhouseCoopers LLP to Answer, Move, or Otherwise Respond to Complaint -- stipulation Filed by Defendant PricewaterhouseCoopers LLP. (Miller, Tiffany) (Entered: 02/15/2005)
02/16/2005		Bain & Company, Inc. Answer Deadline Reset for 3/21/2005; Paul Weiss Rifkind Wharton & Garrison LLP Answer Deadline Reset for 3/21/2005; PricewaterhouseCoopers LLP Answer Deadline Reset for 3/21/2005 (2lg,) (Entered: 02/16/2005)
02/18/2005	● <u>42</u>	Stipulation with Unencumbered Assets Trust and Erwin I. Katz, Lt., Trustee and Perseus, LLC as to Extension of Time for Defendant Perseus, LLC to Move, Plead, or Otherwise Respond to Complaint for Avoidance and Recovery of Transfers Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 02/18/2005)
03/17/2005	● <u>43</u>	Stipulation with Plaintiffs as to Extending Time for Defendant Pricewaterhouse Coopers LLP to Answer, Move, or Otherwise Respond to Complaint, Filed by Defendant PricewaterhouseCoopers LLP. (Miller, Tiffany) (Entered: 03/17/2005)
03/18/2005	● <u>44</u>	Stipulation with Bain & Company, Inc. as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 03/18/2005)

03/18/2005	● <u>45</u>	Stipulation with Paul Weiss Rifkind Wharton & Garrison as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 03/18/2005)
03/18/2005		PricewaterhouseCoopers LLP Answer Deadline Reset for 4/20/2005 (2lg,) (Entered: 03/18/2005)
03/18/2005	● <u>46</u>	Stipulation with Unencumbered Assets Trust and Erwin I. Katz, Lt., Trustee and Perseus, LLC as to Extension of Time for Defendant Perseus, LLC to Move, Plead, or Otherwise Respond to Complaint for Avoidance and Recovery of Transfers Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 03/18/2005)
04/18/2005	● <u>47</u>	Stipulation with Bain & Company, Inc. as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 04/18/2005)
04/18/2005	● <u>48</u>	Stipulation with Plaintiffs as to Extending Time to Answer, Move, or Otherwise Respond to Complaint Filed by Defendant PricewaterhouseCoopers LLP. (Miller, Tiffany) (Entered: 04/18/2005)
04/18/2005	● <u>49</u>	Stipulation with Paul Weiss Rifkind Wharton & Garrison as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 04/18/2005)
04/18/2005	● <u>50</u>	Stipulation with Plaintiffs as to Extension of Time for Defendant Perseus, LLC to Move, Plead, or Otherwise Respond to Complaint for Avoidance and Recovery of Transfers Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 04/18/2005)
04/19/2005		Bain & Company, Inc. Answer Deadline Reset for 5/20/2005; Paul Weiss Rifkind Wharton & Garrison LLP Answer Deadline Reset for 5/20/2005; Perseus, LLC Answer Deadline Reset for 5/20/2005; PricewaterhouseCoopers LLP Answer Deadline Reset for 5/20/2005 (2lg,) (Entered: 04/19/2005)
05/18/2005	● <u>51</u>	Stipulation with Plaintiffs as to Extension of Time for Defendant Perseus, LLC to Move, Plead, or Otherwise Respond to Complaint for Avoidance and Recovery of Transfers Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 05/18/2005)
05/19/2005	● <u>52</u>	Stipulation with Paul Weiss Rifkind Wharton & Garrison as to Extension of Time to Respond to Complaint Filed by Plaintiff

		Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 05/19/2005)
05/19/2005	● <u>53</u>	Stipulation with Plaintiffs as to Extending Time for Defendant PricewaterhouseCoopers LLP to Answer, Move, or Otherwise Respond to Complaint Filed by Defendant PricewaterhouseCoopers LLP. (Miller, Tiffany) (Entered: 05/19/2005)
05/20/2005	● <u>54</u>	Stipulation with Bain & Company, Inc. as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 05/20/2005)
05/24/2005		Bain & Company, Inc. Answer Deadline Reset for 6/20/2005 (2lg,) (Entered: 05/24/2005)
06/09/2005	● <u>55</u>	Notice of Substitution of Counsel terminating Tiffany Strelow Cobb, adding Andrew N Rosenberg for Paul Weiss Rifkind Wharton & Garrison LLP Filed by Defendants Paul Weiss Rifkind Wharton & Garrison LLP , (Entered: 06/09/2005)
06/09/2005	● <u>56</u>	Notice of Substitution of Counsel terminating Tiffany Strelow Cobb, adding Andrew N Rosenberg and Tiffany Strelow Cobb for Paul Weiss Rifkind Wharton & Garrison LLP Filed by Defendants Paul Weiss Rifkind Wharton & Garrison LLP, Paul Weiss Rifkind Wharton & Garrison LLP. (Cobb, Tiffany) (Entered: 06/09/2005)
06/17/2005		Attorney Tiffany Strelow Cobb for Perseus, LLC added to case (2ps,) (Entered: 06/17/2005)
06/20/2005	● <u>57</u>	Stipulation with Plaintiffs as to Extending Time for Defendant PricewaterhouseCoopers LLP to Answer, Move, or Otherwise Respond to Complaint Filed by Defendant PricewaterhouseCoopers LLP. (Miller, Tiffany) (Entered: 06/20/2005)
06/20/2005		PricewaterhouseCoopers LLP Answer Deadline Reset for 7/6/2005 (2lg,) (Entered: 06/20/2005)
06/21/2005	● <u>58</u>	Stipulation with Plaintiffs and Defendant Perseus, LLC as to Extension of Time for Defendant Perseus, LLC to Move, Plead, or Otherwise Respond to Complaint for Avoidance and Recovery of Transfers Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 06/21/2005)
06/22/2005		Perseus, LLC Answer Deadline Reset for 7/6/2005 (2lg,) (Entered: 06/22/2005)

06/29/2005	<u>59</u>	Stipulation with Paul Weiss Rifkind Wharton & Garrison as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 06/29/2005)
06/30/2005	<u>60</u>	Stipulation with Bain & Company, Inc. as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 06/30/2005)
06/30/2005	<u>61</u>	Stipulation with Bain & Company, Inc. as to Extension of Time to Respond to Complaint (Corrected to correct Certificate of Service) Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 06/30/2005)
07/01/2005		Paul Weiss Rifkind Wharton & Garrison LLP Answer Deadline Reset for 7/6/2005 (2lg,) (Entered: 07/01/2005)
07/01/2005		Bain & Company, Inc. Answer Deadline Reset for 7/6/2005 (2lg,) (Entered: 07/01/2005)
07/07/2005	<u>62</u>	Stipulation with Bain & Company, Inc. as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 07/07/2005)
07/07/2005	<u>63</u>	Stipulation with Paul Weiss Rifkind Wharton & Garrison as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 07/07/2005)
07/07/2005	<u>64</u>	Stipulation with Plaintiffs as to Stipulation Extending Time for Defendant PricewaterhouseCoopers LLP to Answer, Move, or Otherwise Respond to Complaint Filed by Defendant PricewaterhouseCoopers LLP. (Miller, Tiffany) (Entered: 07/07/2005)
07/07/2005	<u>65</u>	Stipulation with Plaintiffs and Defendant Perseus, LLC as to Extension of Time for Defendant Perseus, LLC to Move, Plead, or Otherwise Respond to Complaint for Avoidance and Recovery of Transfers Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 07/07/2005)
07/07/2005	<u>66</u>	Stipulation with Paul Weiss Rifkind Wharton & Garrison as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 07/07/2005)

07/08/2005	●	To: S. Champ - Notification of Deficiency: The PDF Document does not Contain an Electronic Signature in Accordance with ECF Administrative Procedure 8(d). Please File an Amended stipulation Which Contains An Electronic Signature. PLEASE DO NOT REPLY TO THIS EMAIL. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK'S OFFICE (related document(s)63 Stipulation filed by Plaintiff Unencumbered Assets Trust) (2kab,) (Entered: 07/08/2005)
08/03/2005	●67	Stipulation with Plaintiffs as to Extending Time for Defendant PricewaterhouseCoopers LLP to Answer, Move, or Otherwise Respond to Complaint Filed by Defendant PricewaterhouseCoopers LLP. (Miller, Tiffany) (Entered: 08/03/2005)
08/05/2005	●68	Stipulation with Plaintiffs and Defendant Perseus, LLC as to Extension of Time for Defendant Perseus, LLC to Move, Plead, or Otherwise Respond to Complaint for Avoidance and Recovery of Transfers Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 08/05/2005)
08/09/2005		Perseus, LLC Answer Deadline Reset for 8/12/2005 (2lg,) (Entered: 08/09/2005)
08/09/2005	●69	Stipulation with Paul Weiss Rifkind Wharton & Garrison as to Extension of Time to Respond to Complaint Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 08/09/2005)
08/12/2005	●70	Motion to Dismiss Adversary Proceeding Filed by Defendants Bain & Company, Inc., Paul Weiss Rifkind Wharton & Garrison LLP, PricewaterhouseCoopers LLP (Miller, Tiffany) (Entered: 08/12/2005)
08/12/2005	●71	Answer to Complaint <i>Answer and Affirmative Defenses of Perseus, LLC</i> Filed by Perseus, LLC. (Cobb, Tiffany) (Entered: 08/12/2005)
08/23/2005	●72	Order Governing Pretrial and Trial Proceedings and Fixing Dates for Filing. Each Party Shall File a Preliminary Pretrial Statement No Later than 9/22/05 . (2kab,) (Entered: 08/23/2005)
08/25/2005	●73	BNC Certificate of Mailing - PDF Document (RE: related documents(s)72 Order Governing Pretrial) Service Date 08/25/2005. (Admin.) (Entered: 08/26/2005)
09/01/2005	●74	Response to (related document(s): 70 Motion to Dismiss Adversary Proceeding filed by Defendant PricewaterhouseCoopers LLP, Defendant Bain & Company, Inc., Defendant Paul Weiss Rifkind

		Wharton & Garrison LLP) Filed by Defendant Perseus, LLC (Cobb, Tiffany) (Entered: 09/01/2005)
09/15/2005	● <u>75</u>	Document <i>Jury Demand</i> Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 09/15/2005)
09/15/2005	● <u>76</u>	Notice of <i>Stipulated Briefing Schedule for Non-Creditor Defendants' Motion to Dismiss</i> Filed by Defendant PricewaterhouseCoopers LLP (RE: related document(s) <u>70</u> Motion to Dismiss Adversary Proceeding Filed by Defendants Bain & Company, Inc., Paul Weiss Rifkind Wharton & Garrison LLP, PricewaterhouseCoopers LLP (Miller, Tiffany) filed by Defendant PricewaterhouseCoopers LLP, Defendant Bain & Company, Inc., Defendant Paul Weiss Rifkind Wharton & Garrison LLP). (Miller, Tiffany) (Entered: 09/15/2005)
09/22/2005	● <u>77</u>	Notice of <i>Appearance</i> Filed by Defendant PricewaterhouseCoopers LLP. (Miller, Tiffany) (Entered: 09/22/2005)
09/22/2005	● <u>78</u>	Pre-Trial Statement Filed by Defendant Perseus, LLC. (Cobb, Tiffany) (Entered: 09/22/2005)
09/22/2005	● <u>79</u>	Pre-Trial Statement <i>Preliminary</i> Filed by Plaintiff Unencumbered Assets Trust. (Champ, Stephanie) (Entered: 09/22/2005)
09/23/2005	● <u>80</u>	Pre-Trial Statement of <i>Non-Creditor Defendants</i> Filed by Defendant PricewaterhouseCoopers LLP. (Miller, Tiffany) (Entered: 09/23/2005)
09/23/2005	●	To: TIFFANY COBB - Notification of Deficiency: For Future Reference, A Notice of Appearance Should Be Filed Using The Notice of Appearance and Request for Notices Event From the Notices Menu. PLEASE DO NOT REPLY TO THIS EMAIL. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK'S OFFICE (related document(s) <u>77</u> Notice filed by Defendant PricewaterhouseCoopers LLP) (2lg,) CORRECTIVE ENTRY: Please disregard this deficiency; it was issued on the wrong attorney. Modified on 9/26/2005 (2kab,). (Entered: 09/23/2005)
09/26/2005	●	CORRECTIVE ENTRY: Please disregard this deficiency; it was issued on the wrong attorney. (RE: related document(s) Notification of Deficiency, ,) (2kab,) (Entered: 09/26/2005)
09/26/2005	●	To: Tiffany C. Miller - Notification of Deficiency: For Future Reference, A notice of appearance Should Be Filed Using The notice of appearance Event From the notices Menu. PLEASE DO NOT

		REPLY TO THIS EMAIL. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK'S OFFICE (related document(s) <u>77</u> Notice filed by Defendant PricewaterhouseCoopers LLP) (2kab,) (Entered: 09/26/2005)
09/27/2005	● <u>81</u>	Notice of pretrial conference. Pre-Trial set for 11/9/2005 at 09:30 AM in Judge Calhoun's Chambers. (2kab,) (Entered: 09/28/2005)
09/30/2005	● <u>82</u>	BNC Certificate of Mailing - PDF Document (RE: related documents(s) <u>81</u> Pretrial Order) Service Date 09/30/2005. (Admin.) (Entered: 10/01/2005)
10/04/2005	● <u>83</u>	Objection to (related document(s): <u>70</u> Motion to Dismiss Adversary Proceeding filed by Defendant PricewaterhouseCoopers LLP, Defendant Bain & Company, Inc., Defendant Paul Weiss Rifkind Wharton & Garrison LLP) Filed by Plaintiff Unencumbered Assets Trust (Champ, Stephanie) (Entered: 10/04/2005)
10/14/2005	● <u>84</u>	Notice of Stipulated Extension for Non-Creditor Defendants to File Reply Brief in Support of Motion to Dismiss Filed by Defendant PricewaterhouseCoopers LLP (RE: related document(s) <u>76</u> Notice of Stipulated Briefing Schedule for Non-Creditor Defendants' Motion to Dismiss Filed by Defendant PricewaterhouseCoopers LLP (RE: related document(s) <u>70</u> Motion to Dismiss Adversary Proceeding Filed by Defendants Bain & Company, Inc., Paul Weiss Rifkind Wharton & Garrison LLP, PricewaterhouseCoopers LLP (Miller, Tiffany) filed by Defendant PricewaterhouseCoopers LLP, Defendant Bain & Company, Inc., Defendant Paul Weiss Rifkind Wharton & Garrison LLP). (Miller, Tiffany) filed by Defendant PricewaterhouseCoopers LLP. (Miller, Tiffany) (Entered: 10/14/2005)
10/24/2005	● <u>85</u>	Brief (<i>Reply Memorandum of Law</i>) in Further Suport of Non-Creditor Defendants' Motion to Dismiss Filed by Defendant PricewaterhouseCoopers LLP (RE: related document(s) <u>83</u> Objection,). (Attachments: # <u>1</u> Exhibit Unreported Caselaw) (Miller, Tiffany) (Entered: 10/24/2005)
11/07/2005	● <u>86</u>	Motion for Withdrawal of Reference <i>Motion of Defendants Perseus, LLC, Paul, Weiss, Rifkind, Wharton, & Garrison LLP, and Bain & Company to Withdraw the Reference Fee Amount \$150</i> Filed by Defendants Bain & Company, Inc., Paul Weiss Rifkind Wharton & Garrison LLP, Perseus, LLC (Cobb, Tiffany) (Entered: 11/07/2005)
11/07/2005		Receipt of Motion for Withdrawal of Reference(2:04-ap-02617) [motion,mwdref] (150.00) Filing Fee. Receipt Number 5140771,amount\$ 150.00. (U.S. Treasury) (Entered: 11/07/2005)

11/07/2005

● 87

Notice of Motion Filed by Defendants Bain & Company, Inc., Paul Weiss Rifkind Wharton & Garrison LLP, Perseus, LLC (RE: related document(s) 86 *Motion for Withdrawal of Reference Motion of Defendants Perseus, LLC, Paul, Weiss, Rifkind, Wharton, & Garrison LLP, and Bain & Company to Withdraw the Reference Fee Amount \$150 Filed by Defendants Bain & Company, Inc., Paul Weiss Rifkind Wharton & Garrison LLP, Perseus, LLC (Cobb, Tiffany) filed by Defendant Perseus, LLC, Defendant Bain & Company, Inc., Defendant Paul Weiss Rifkind Wharton & Garrison LLP). (Cobb, Tiffany) (Entered: 11/07/2005)*